

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

§

§

VS.

§

No. 4:22-cr-00194

§

QUAYLON DAVON BROWN

§

JAVARION BIJON DAVIS

§

PRENTIS LEEWOOD DELANEY, II

§

ALBERT JOE MURPHY, II

§

**DEFENDANT PRENTIS LEEWOOD DELANEY II'S
UNOPPOSED JOINT MOTION FOR CONTINUANCE**

TO THE HONORABLE KEITH P. ELLISON, UNITED STATES DISTRICT JUDGE:

Prentis Leewood Delaney, II, (“Delaney”), pursuant to 18 U.S.C. § 3161(h)(7)(A) joined by his co-defendants, and moves the Court to continue the trial of this case and all other deadlines for at least ninety (90) days and in support show:

A. Procedural History

1. On April 2022, a two count indictment was returned charging Defendants with Aiding and Abetting Interference with Commerce by Robbery and Aiding and Abetting Discharge of a Firearm During and in Relation to a Crime of Violence in violation of 18 U.S.C. §§ 1951(a), 924(c)(1)(A)(iii), 924(j)(1), and 2. Dkt. 1.
2. On February, 16, 2023, Delaney, a federal inmate serving a sentence in another case, was “arrested” on this case, had his initial appearance and arraigned. *See* Docket Entries for February 16, 2023.
3. Co-Defendants Brown, Davis, and Murphy, had been arrested, arraigned, and detained pending trial months earlier. *See* Dkt. 9, 12, 15, 18, 23, 28, 34-35, 39, and 43.

4. Jury trial is currently set for May 12, 2025. *See* Dkt. 98.

B. Good Cause under the Speedy Trial Act

5. Continuance is appropriate under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), (B).

6. Defendants are charged with crimes arising from an armored car robbery that resulted in the death of a guard. Death is a possible punishment for Count 2 by statute. 18 U.S.C. 924(j)(2).

7. The Department of Justice has decided not to seek the death penalty.

8. Counsel need further time to investigate the factual basis of the allegations, the legal issues, review discovery, and prepare a defense, or alternatively, negotiate a disposition, in order to render effective assistance of counsel. Although there have been preliminary discussions, no plea offers have yet been made. The current prosecutor entered an appearance on August 23, 2024. Dkt. 85. It is unreasonable to expect all of that to occur within the current time limits taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv).

9. The ends of justice which will be served by allowing the defendant additional time in which to prepare this case outweigh the best interest of the public and the defendant in a speedy trial.

C. Request for Continuance

10. This motion is not made for the purposes of delay, but so that defense counsel can render effective assistance to the accused and that justice may be done.

11. Counsel requests trial and all accompanying deadlines be reset at least ninety (90) days.

PRAYER

WHEREFORE, Prentiss Leewood Delaney, II, Defendant, prays the Court to grant this motion, and continue the trial of this case and all accompanying deadline at least ninety (90) days to a trial date in August, 2025.

Respectfully Submitted,

HILDER & ASSOCIATES, P.C.

/S/ Q. Tate Williams

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ATTORNEY FOR PRENTIS DELANEY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served upon the Assistant United States Attorney for the government and all other attorneys of record, via ECF contemporaneous with filing.

/S/ Q. Tate Williams
Q. Tate Williams

CERTIFICATE OF CONFERENCE

I hereby certify that I communicated with the Assistant United States Attorney by email on May 1, 2025, indicated the Government is unopposed. On May 1-2, 2-2025, I also communicated with Co-Defendants counsel by email and they join.

/S/ Q. Tate Williams
Q. Tate Williams